IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.406 OF 2005

S.S.Ponmudi. ... Petitioner.

vs.

Tata Motors Limited. .... Respondent.

Mr.Anil Menon, for Petitioner.

Mr.Y.R.Shah, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 21st December, 2005

P.C.:-

1. This is a petition filed under Section 34 of the Arbitration and Conciliation Act,1996, challenging the Award made by the sole Arbitrator. The only ground on which the Award is challenged is that the copy of the statement of claim was not served on the petitioner by the Respondent. It is an undisputed position that the notice of hearing before the learned Arbitrator was served on the petitioner, but the petitioner never appeared before the learned Arbitrator. Had the petitioner appeared before the learned Arbitrator he would have been

served with the copy of statement of claim. Even after the service of notice of hearing before the learned Arbitrator on the petitioner, the petitioner without appearing before the learned Arbitrator, now cannot turn around and challenge the Award on the ground that the statement of claim was not served on him. I do not see any substance in the petition. Hence, the petition is disposed of.